

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Milton Carlos DAMIAN-LOPEZ

Case No.

Case: 2:24-mj-30085
 Assigned To : Unassigned
 Assign. Date : 3/5/2024
 Description: RE: MILTON CARLOS
 DAMIAN-LOPEZ (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 20, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a), (b)(2) Unlawful Re-entry after Removal from the United States, Prior Aggravated Felony Conviction

This criminal complaint is based on these facts:

On or about February 20, 2024, in the Eastern District of Michigan, Southern Division, Milton Carlos DAMIAN-LOPEZ, an alien from Mexico, who was previously convicted of an aggravated felony offense, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about June 14, 2011, at or near Laredo, Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a), (b)(2).

Continued on the attached sheet.



Complainant's signature

Lonnie Harper, Deportation Officer, DHS/ICE
Printed name and title



Judge's signature

David R. Grand U.S. Magistrate Judge
Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: March 5, 2024

City and state: Detroit, MI

AFFIDAVIT

I, Lonnie Harper, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security. I am assigned to the Fugitive Operation Unit. I have served with U.S. Immigration and Customs Enforcement since December 2015. I have successfully completed the Immigration Officers Basic Training Course at the Federal Law Enforcement Training Center in Glynco, Georgia. This affidavit is submitted in support of a finding of probable cause and therefore is only a summary of the facts known to me.
2. The information set forth below is for the limited purpose of establishing probable cause. Therefore, this affidavit does not necessarily contain all of the information collected during my investigation.
3. Milton Carlos DAMIAN-LOPEZ, DOB 12/XX/XXXX, A#XXX XXX 042, is a citizen and national of Mexico.
4. On November 07, 2008, the San Antonio Police Department, San Antonio, Texas, arrested DAMIAN-LOPEZ for Possession of Dangerous Drugs. On July 20, 2009, the case was dismissed.
5. On December 18, 2008, San Antonio Police Department, San Antonio, Texas, arrested DAMIAN-LOPEZ for Possession with Intent to Distribute Controlled Substance, 200G-400G.
6. On July 20, 2009, the 226th District Court San Antonio, Texas convicted DAMIAN-LOPEZ with Possession of Marijuana over 2000 pounds, Intent to Distribute. On July 20, 2009, DAMIAN-LOPEZ was sentenced to eight years in prison.
7. On June 02, 2011, United States Border Patrol at or near Huntsville Texas apprehended DAMIAN-LOPEZ and served him an I-862 Notice to Appear.

8. On June 13, 2011, An Immigration Judge in Houston, Texas ordered DAMIAN-LOPEZ to be removed to Mexico. On June 14, 2011, ICE/ERO Huntsville, Texas deported DAMIAN-LOPEZ to Mexico.
9. On February 19, 2024, the Detroit Police Department arrested DAMIAN-LOPEZ for Burglary. According to the police reports, DAMIAN-LOPEZ, broke into the lower flat of the residence where he was living. Four minor children, and their mother, were in the house. When the police responded, DAMIAN-LOPEZ was heavily intoxicated. Damage to the back door of the residence was found. Case is pending.
10. On February 20, 2024, ICE agents received a phone call from Detroit Detention Center in reference to DAMIAN-LOPEZ, Milton Carlos (A#XXX XXX 042). A detainer was placed on DAMIAN-LOPEZ the same day.
11. On February 20, 2024, ICE Officers brought DAMIAN-LOPEZ to the Detroit office for processing and served him with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.
12. DAMIAN-LOPEZ'S fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that DAMIAN-LOPEZ is a citizen of Mexico with the foregoing immigration history who has been previously removed from the United States. The record checks did not provide any evidence that DAMIAN-LOPEZ legally entered the United States or had been issued any document or status that would allow him to enter or remain the United States.
13. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

14. On March 04, 2024, the official Immigration file and system-automated data were reviewed and showed that DAMIAN-LOPEZ, Alien File No. XXX XXX 042, who was previously convicted of an aggravated felony offense, did not obtain the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on June 14, 2011, in violation of Title 8, United States Code, Section 1326(a), (b)(2).
15. Based on the above information, I believe there is probable cause to conclude that DAMIAN-LOPEZ, is an alien who was previously convicted of an aggravated felony offense, and who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a), (b)(2).



Lonnie Harper, Deportation Officer
United States Department of Homeland Security
Immigration and Customs Enforcement

Sworn to before me and signed in my presence and/or by reliable electronic means.



Honorable David R. Grand
United States Magistrate Judge

March 5, 2024